

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

1. KYLE HESTER, on behalf of himself, )  
and others similarly situated, )  
  )  
Plaintiff,                            )  
v.                                      )    Case No. CIV-2019-358-KEW  
  )  
1. ED F. DAVIS, INC., a/k/a Ed F. Davis of )  
Oklahoma, Inc.,                        )  
  )  
  )  
Defendants.                            )

**PLAINTIFF'S MOTION FOR EXPEDITED CONSIDERATION  
OF MOTION TO AMEND COMPLAINT**

Plaintiff respectfully request expedited consideration of Plaintiff's "Application to Amend Complaint", Dkt. 40. In support the Plaintiff shows this Court as follows:

1. Plaintiff seeks leave to add Seth Coxey as a plaintiff. Mr. Coxey claims that, like Plaintiff, he was required to work without pay by the Defendant and under similar circumstances as the Plaintiff. See Dkt. 40-1 (Proposed Amended Complaint).
2. Mr. Coxey's damages began to accrue in December 2018.
3. The Fair Labor Standards Act provides for a two-year limitations period for FLSA violations. 29 U.S.C. § 255(a). Only if Plaintiff proves Defendant acted willfully will the statutory period extend to three years. *Id.*
4. Plaintiff seeks expedited consideration so that Mr. Coxey is not delayed in his ability to toll his statutory recovery period.

5. Although Mr. Coxey has filed a notice of consent to be a class plaintiff [Dkt. 39], this Court has not yet ruled on Plaintiff's for Conditional Certification filed March 2, 2020 [Dkt. 23] or on Plaintiff's Motion to Toll Statute of Limitations as to Putative Plaintiffs filed March 4, 2020 [Dkt. 24].
6. For these reasons Mr. Coxey's statute of limitations continues to run until he is allowed leave to become a named plaintiff in this case.

**WHEREFORE**, Plaintiff respectfully requests expedited consideration of Plaintiff's Motion to Amend filed as Dkt. 40.

**RESPECTFULLY SUBMITTED THIS 14<sup>th</sup> DAY OF JULY 2020.**

HAMMONS, HURST & ASSOCIATES

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**CERTIFICATE OF SERVICE**

A true copy of the foregoing was filed and served by use of this Court's ECF system of filing and service to the opposing counsel below listed on this 14<sup>th</sup> day of JULY 2020.

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